

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
November 15, 2005**

Place: Room 206
Town Hall

TIME: 8:00 PM

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Forman, Kenny, Spain, Bigelow

STAFF ATTENDING: Ginsberg

At 8:00 P.M., Chairman Damanti read the first agenda item:

Election of Officers (Chairman, Vice-Chairman, Secretary)

Mr. Spain made a motion to nominate Patrick Damanti as Chairman. That motion was seconded by Ms. Forman, and approved by a vote of 5-0.

Mr. Kenny made a motion to nominate Fred Conze as Vice-Chairman. That motion was seconded by Mr. Bigelow and unanimously approved.

Mr. Bigelow made a motion to nominate Joseph Spain as Secretary. That motion was seconded by Ms. Forman, and approved by a vote of 5-0.

Adoption of Year 2006 meeting schedule

Ms. Forman made a motion to approve the meeting schedule as drafted. That motion was seconded by Mr. Spain, and unanimously approved.

Business Site Plan #154-A/Special Permit, 870 Boston Post Road

Request for extension of time until February 8, 2006 to implement approved plan.

Mr. Ginsberg briefly explained the November 7, 2005 letter submitted by architect Michiel Boender requesting the extension of time to implement the approved plan. He noted that the Zoning Permit application had already been submitted to the Planning and Zoning Department. Mr. Bigelow made a motion to approve the requested extension of time. That motion was seconded by Mr. Kenny and unanimously approved.

Mr. Damanti read the next agenda item:

Discussion and deliberations on the following items:

Subdivision Application #607, Coastal Site Plan Review #209, Thomas L. Kelly, Jr., 58 Sunswyck Road. Proposing to divide the existing property into two lots and open space and perform related site development activities within a regulated area. The subject property is on the east side of Sunswyck Road, approximately 400 feet south of its intersection with Tory Hole Road, and is shown on Assessor's Map #62, as Lot #22, in the R-1 Zone.

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Mr. Bigelow read the draft resolution aloud. Mr. Ginsberg said that there were driveway configurations submitted by the applicant that complied with the Subdivision Regulations. Mr. Damanti mentioned that ALT5 was preferred by both the applicants and the neighbors. Commission members had minor comments on the draft resolution. Ms. Forman made a motion to adopt the resolution as modified. That motion was seconded by Mr. Kenny and approved by a vote of 5-0. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 15, 2005**

Application Number: Subdivision Application #607
Coastal Site Plan Review #209

Assessor's Map #62 Lot #22
Street Address: 58 Sunswyck Road

Name and Address of Property Owner: Thomas L. Kelly, Jr.
58 Sunswyck Road
Darien, CT 06820

Name and Address of Applicant & Applicant's Representative: Wilder G. Gleason, Esq.
Gleason Hill & Ambrette, LLC
23 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposing to divide the existing property into two lots and open space and perform related site development activities within a regulated area.

Property Location: The subject property is on the east side of Sunswyck Road, approximately 400 feet south of its intersection with Tory Hole Road.

Zone: R-1 Zone

Date of Public Hearing: July 12, 2005 continued to September 27, 2005

Time and Place: 8:00 p.m. Room 206 Darien Town Hall

Publication of Hearing Notices
Dates: June 30 and July 7, 2005
September 15 & 22, 2005

Newspaper: Darien News-Review

Date of Action: November 15, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
November 23, 2005

Newspaper: Darien News-Review

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The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Section 400 of the Darien Zoning Regulations and all applicable sections of the Subdivision Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted subdivision plans, and the testimony contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject parcel is 3.023+/- acres, and is located in the R-1 Zone. There is currently one house on the lot, and the applicant proposes to divide the existing 3.023+/- acre parcel into two building lots and .302 acres of open space, and perform related site development activities within a regulated area. The new lot will be served by an individual on-site septic system, and public water service.
2. The proposed new lot will have a four foot high maximum boulder retaining wall, at least two feet wide, along the front property line, with plantings above it. This is needed for the required fill for the septic system, and will extend along the south side of the septic system.
3. No development activity whatsoever is proposed within 150 feet of mean high water, as part of this application. The only activity occurring in this area would be the monumenting of the .302 acres of open space to be set aside.
4. The Planning and Zoning Commission specifically notes that the buildable area of the proposed new lot outside of the 50 foot wetlands-regulated area is limited. This limited area, and the desire for a house of a certain size and number of bedrooms necessitated an application to the Environmental Protection Commission for work within 50 feet of wetlands. The desire for a certain sized house has also resulted in limited backyard lawn/play area.
5. The Environmental Protection Commission approved this project as part of EPC #49-2005 on September 7, 2005. That approval is hereby incorporated by reference.
6. The Commission hereby waives the requirement for the grade of the new driveway to comply with the Darien Subdivision Regulations. The Commission believes that due to this property's specific location near the end of Sunswyck Road, and to minimize any impacts of the proposed new driveway on neighbors, this waiver is appropriate.
7. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the

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activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

8. The potential adverse impacts of the proposed activity, as modified within this resolution, on coastal resources are acceptable.
9. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
10. The proposed activity, as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Subdivision Application #607 and Coastal Site Plan Review #209 are hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The subdivision shall be in accordance with the following plans submitted to and reviewed by the Commission, as required to be modified herein:
 - Site Plan, Kelly Subdivision 58 Sunswyck Road, by Stearns & Wheler, LLC, Sheet 1, last revised 5/26/05.
 - Site Plan ALT5 Kelly Subdivision 58 Sunswyck Road, by Stearns & Wheler, LLC, dated August 2005, Alternate Site Plan Rev 5.
 - Planting ALT5 Kelly Subdivision 58 Sunswyck Road, by Stearns & Wheler, LLC, dated August 2005, Alternate Site Plan Rev 5.

The proposed driveway shall be in accordance with Plan #5 prepared by Stearns & Wheler, except as noted in Condition B, below.

Details on the proposed boulder retaining wall and details on the plantings above it shall be submitted for review and action by the Planning and Zoning Director.

- B. The Commission notes that the proposed first floor of the garage is at elevation 67.0, and the driveway in Site Plan ALT5 meets Sunswyck Road at elevation 59.5+/- . The Commission believes that the grade of the driveway could be reduced by lowering the garage to elevation of 65.0 or 66.0. Since the driveway in ALT5 does not meet the Subdivision Regulations, this lowering of the garage would make it more near to conforming, yet still not requiring full compliance. This lowering of the garage would improve safety for vehicles entering and exiting the property. The submitted application materials noted that the submitted ALT5 results in a driveway with a grade of 5% at its interface with Sunswyck Road and a maximum centerline grade of 12% leading to the garage area.
- C. All utilities serving this property shall be underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring.
- D. Since there is no new road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond.

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- E. The Open Space shall be established as shown on the Property and Topographic Survey prepared by William W. Seymour & Associates, last revised May 3, 2005. The open space shall be monumented as specifically required in the Darien Subdivision Regulations, and this monumenting shall occur prior to the issuance of a Zoning or Building Permit for the new residence. An Open Space Declaration shall be prepared by the applicant, and reviewed and acted upon by the Planning and Zoning Director and Town Counsel, and filed concurrently with the Subdivision Map in the Darien Land Records. The Open Space parcel shall be owned by the owner of Lot #A, which contains the existing residence.
- F. Prior to preparing the final mylar, lot numbers and street addresses shall be verified by the applicant with the Assessor. Those should be included on the mylar for filing.
- G. As part of the development of the newly created lot, a detailed storm water management/ Drainage Plan shall be submitted with any application for Zoning and Building Permits for construction on that lot. The Plan shall be reviewed, modified as necessary, and approved by the Town Engineer prior to the issuance of a Zoning Permit. The Plan shall be implemented to assure that development will not have any negative impact upon the street or neighboring property(ies), and meet all of the requirements in the Darien Subdivision Regulations. Certification by a professional engineer of proper installation of said Drainage Plan shall be submitted to the Planning & Zoning Office prior to the use of, or the issuance of a Certificate of Occupancy for, the new residence.
- H. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the submitted Plan, and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- I. If the owner determines that blasting will be necessary on the site, the owner shall notify all neighbors (via certified mail return receipt requested) that they would like to perform a pre and post blast survey at the developer's expense.
- J. This subdivision approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency/ies.
- K. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the approval and/or permit as it deems appropriate.

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All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final plan by the Chairman. All completed requirements and materials (revised plans, Open Space Declaration, and the final mylar with Lot numbers and street addresses), shall be completed and submitted to the Planning and Zoning Department within 60 days of this action or this approval shall become null and void.

Mr. Damanti read the next agenda item:

Resubdivision Application #433-A, Coastal Site Plan Review #213, The Frances B. Dorrance Trust, 20 Juniper Road. Proposing to remove the existing tennis court, divide the existing property into two lots and open space, and perform related site development activities within a regulated area. The subject property is on the northeast side of Juniper Road, approximately 1,100 feet east of its intersection with Nearwater Lane, and is shown on Assessor's Map #57, as Lot #12, in the R-1 Zone.

Mr. Spain read the draft resolution aloud. Commission members had minor comments regarding the draft resolution. Mr. Bigelow made a motion to adopt the resolution as amended. That motion was seconded by Mr. Kenny and unanimously approved. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 15, 2005**

Application Number: Resubdivision Application #433-A
Coastal Site Plan Review #213

Assessor's Map #57 Lot #12
Street Address: 20 Juniper Road

Name and Address of Property Owner: The Frances B. Dorrance Trust
c/o Hawthorne, Ackerly & Dorrance
25 South Avenue
New Canaan, CT 06840

Name and Address of Applicant: Michelle R. Hubbard
c/o Hawthorne, Ackerly & Dorrance
25 South Avenue
New Canaan, CT 06840

Name and Address of
Applicant's Representative: Michael T. Nedder
c/o Hawthorne, Ackerly & Dorrance
25 South Avenue
New Canaan, CT 06840

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Activity Being Applied For: Proposing to remove the existing tennis court, divide the existing property into two lots and open space, and perform related site development activities within a regulated area.

Property Location: The subject property is on the northeast side of Juniper Road, approximately 1,100 feet east of its intersection with Nearwater Lane.

Zone: R-1 Zone

Date of Public Hearing: July 26, 2005 continued to September 13, 2005

Time and Place: 8:00 p.m. Room 206 Darien Town Hall

Publication of Hearing Notices

Dates: July 14 & 21, 2005

Newspaper: Darien News-Review

Date of Action: November 15, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
November 23, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Section 810 of the Darien Zoning Regulations and all applicable sections of the Subdivision Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted subdivision plans, and the testimony contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject parcel is 10.29+/- acres, and the proposal is to remove the existing tennis court and resubdivide the property into two lots. As presented, lot "2A" would consist of 3.22+/- acres, and the proposed eastern lot--lot "2B"--would consist of 7.07+/- acres. The 7.07+/- acre lot would contain the existing residence. The existing property has a number of easements on it including access easements, conservation easements, and a view easement. Each of the lots will be served by a driveway coming off of Juniper Road.
2. The applicant noted that the existing residence (on lot "2B") is currently served by public water supply and an individual septic system. The proposal is for the proposed residence (on lot

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“2A”) to be served by public water supply, and the existing residence to be served by a new well. The Commission recommends that both residences be served by public water supply. Both lots will be served by individual septic systems. Septic system feasibility plans were approved by the Darien Health Department for Lot “2A” in July 2005.

3. The schematic residence for “Lot 2A” shown on the Subdivision Development Plan prepared by McChord Engineering Associates, Inc. (last revised 8-30-05) is for general planning purposes only, and is not meant to show a specific house design. The owners of the property might construct the house, septic system, and other structures that are not the same size or in the same location as the Subdivision Development Plan.
4. During the public hearing, it was mentioned that the proposed lot is entirely within 1000 feet of Mean High Water, and a large portion of the vacant lot is almost entirely below Flood Elevation 12 (the flood elevation) and therefore nearly the entire vacant property (except the far western portion) is within the flood zone.
5. At the public hearing, issues regarding the existing footpaths on the property were mentioned. The Commission acknowledges that the issues of footpath use and location are not related to this subdivision approval, and are a private matter between the property owner and the neighbors.
6. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.
7. The potential adverse impacts of the proposed resubdivision, as modified within this resolution, on coastal resources are acceptable.
8. The Commission finds that the proposed resubdivision is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
9. The proposed activity (resubdivision), as modified within this resolution, is consistent with the goals and policies in Section 22a-92 (the Connecticut Coastal Area Management Act) of the Connecticut General Statutes. The conditions as outlined herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Resubdivision Application #433-A and Coastal Site Plan Review #213 are hereby modified and approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The resubdivision shall be in accordance with the following plans submitted to and reviewed by the Commission:
 - Subdivision Development Plan, 20 Juniper Road, Plan prepared for The Frances B. Dorrance Trust, by McChord Engineering Associates, Inc., dated June 24, 2005 and last revised 8-30-05, Drawing No. SE1.

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- Construction Notes & Details, Plan 20 Juniper Road, prepared for The Frances B. Dorrance Trust, by McChord Engineering Associates, Inc., dated June 24, 2005 and last revised 8-30-05, Drawing No. SE2.
 - Resubdivision Survey of Parcel #2 prepared for The Frances B. Dorrance Trust, by RKW Land Surveying, scale 1 inch = 40 ft., dated May 26, 2005 received in Planning and Zoning Office June 24, 2005.
- B. The Commission hereby formally requires that a note be added to the map to be filed in the Darien Land Records indicating that any future development of the proposed Lot 2A will need a Flood Damage Prevention Application if any work or development activity is within the flood zone. The note should also state that any development will also need a Coastal Site Plan Review, as the property is entirely within 1000 feet of Mean High Water. Development of Lot 2A should be generally as shown on the conceptual drawings submitted with this application--significant development activity close to the tidal wetlands could cause impacts to coastal resources.
- C. The Commission recommends that both residences be served by public water supply.
- D. All utilities serving this property shall be underground. These include, but are not limited to, electrical, telephone, cable TV, and all other wiring.
- E. Since there is no new road construction and no extension of public utility facilities, the Commission waives the requirement for submission of a Performance Bond.
- F. In accordance with Article IV Section C2 of the Darien Subdivision Regulations, the applicant has provided 1.044 acres of open space. A formal Open Space Declaration shall be prepared by the applicant and reviewed by the Planning and Zoning Director and Town Counsel. Once approved, it shall be filed concurrently with the resubdivision mylar in the Darien Land Records. As specifically required in the Darien Subdivision Regulations Article IV C 5, the open space shall be properly monumented. It shall be a separate parcel specifically designated as "OPEN SPACE—NOT A BUILDABLE LOT" and owned by the owner of Lot 2A or Lot 2B. Specific lot lines shall be delineated regarding the open space and shown on the mylar to be filed in the Land Records.
- G. The tennis court shall be removed prior to filing the mylar in the Darien Land Records. Also prior to preparing the final mylar, lot numbers and street addresses shall be verified by the applicant with the Assessor. Those should be included on the mylar for filing.
- H. The Commission acknowledges that it is likely that future application(s) will need to be made regarding the newly created lot. This will include, but not be limited to, a flood damage prevention application and/or a Coastal Site Plan Review.
- I. This subdivision approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency.
- J. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive,

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incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the approval and/or permit as it deems appropriate.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final plan by the Chairman. All completed requirements and materials (Open Space Declaration, removal of the tennis court and the filing of the final mylar with Lot numbers and street addresses), shall be completed and submitted to the Planning and Zoning Department within 90 days of this action (by February 13, 2006) or this approval shall become null and void.

Mr. Damanti then read the next agenda item:

Subdivision Application #164-A, Nancy Hyland, 40 Noroton Avenue. Proposing to subdivide the existing properties into four building lots with associated open space and perform related site development activities. The subject properties are located on the east side of Noroton Avenue approximately 110 feet north of its intersection with Clock Avenue and are shown on Tax Assessor's Map #42 as Lots #151 and #152, in an R-1/3 Zone.

Mr. Bigelow recused himself from this matter and left the meeting room. Ms. Forman read the draft resolution aloud. Commission members had minor comments regarding the draft resolution. Ms. Forman made a motion to adopt the resolution as amended. That motion was seconded by Mr. Kenny and approved by a vote of 4-0. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 15, 2005**

Application Number: Resubdivision Application #164-A

Assessor's Map #42 Lots #151 & #152
Street Address: 40 Noroton Avenue

Name and Address of Property Owner: Nancy E. Hyland, Executrix
Of the Estate of Marie Eddy
9 Brookside Drive
Darien, CT 06820

Name and Address of Applicant & Applicant's Representative: Arthur K. Engle, Esq.
Rucci Burnham Carta Carello & Reilly
30 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposing to subdivide the existing properties into four building lots with associated open space, construct a new street, and perform related site development activities.

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Property Location: The subject properties are located on the east side of Noroton Avenue approximately 125 feet north of its intersection with Clock Avenue.

Zone: R-1/3 Zone

Date of Public Hearing: July 12, 2005 continued to September 13, 2005

Time and Place: 8:00 p.m. Room 206 Darien Town Hall

Publication of Hearing Notices

Dates: June 30 and July 7, 2005

Newspaper: Darien News-Review

Date of Action: November 15, 2005

Action: DENIED

Scheduled Date of Publication of Action:
November 23, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Section 400 of the Darien Zoning Regulations and all applicable sections of the Subdivision Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted subdivision plans, and the testimony contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject parcel is 2.143+/- acres. The existing residence built in 1901 would be preserved as part of this proposal. The proposed lots would range in size from .33 acres to .35 acres with .21 acres of open space set aside. The existing swimming pool, barn and other accessory structures on the property will be removed as part of this project. All of the proposed residences would be served by public water and public sanitary sewer.
2. The proposed buildable areas and other pertinent information are shown on the proposed subdivision plan entitled, "Topographic Survey for Subdivision of #40 Noroton Avenue, prepared for the Estate of Marie P. Eddy and Nancy E. Hyland Trustee, prepared by William W. Seymour & Associates, dated March 22, 2005 and last revised August 31, 2005".
3. The Zoning Board of Appeals (ZBA) approved a related application for the preservation of the existing residence as part of their approval in Calendar #30-2005. That approval had

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two stipulations, one of which was “The ZBA notes that combining proposed lots 1 and 2 would be very helpful to preserving the historic character of the existing residence.”

4. At the public hearings on this matter in July and September and in their submitted letters, documents and related testimony, the neighboring property owners voiced their concerns on the following issues regarding this application: drainage; sight lines coming out of the proposed new street; the location of the proposed street; screening and landscaping; preservation of existing large trees; fumigation of the existing barn prior to demolition; the size of the proposed residences; the overall intensity of development; and the lot lines between Lot #1 and Lot #2.
5. The resubdivision must comply with all aspects of the Darien Subdivision Regulations for the Commission to approve the project. Under Article VII Section A of the Subdivision Regulations, the Commission may waive certain requirements under the Regulations by not less than a three-quarters vote of all the members of the Commission. For the Commission to waive any subdivision regulation requirements, it would take five votes of the six-member Commission. One of the members of the Commission has recused himself from all discussions on this matter and left the room during the public hearings. Thus, in this case, if there is to be a waiver of the Subdivision Regulations, all Planning and Zoning Commission members must vote in favor of the waiver.
6. Article IV Section B 4 of the Darien Subdivision Regulations reads as follows:
All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variation from this rule will give a better street or lot plan, as determined by the Commission.
7. Article IV Section B 5 of the Darien Subdivision Regulations reads as follows:
Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line of each street and adequate living area may be provided.
8. The Commission notes that a variance was granted for building setbacks on Lot #1. However the Commission does not believe that adequate living area is provided in Lot #1. The submitted plans show an awkward lot line separating Lots #1 and #2, which is not fully perpendicular to the road.
9. Article IV Section E 7 of the Darien Subdivision Regulations (relative to New Street Layout) reads as follows:
Minor or secondary street openings into a major road shall, in general, be at least 500 feet apart.
10. Article IV Section E 9 of the Darien Subdivision Regulations (also relative to New Street Layout) reads as follows:
Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Town Plan of Development or at other important intersections. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets.

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11. Based upon the Commission's review of the submitted application materials, the proposed Eddy Lane is approximately 280 feet north of Clock Avenue; 400 feet south of Park Place, and 147+/- feet from Casement Street across the street. Thus, as designed, the proposed Eddy Lane would not comply with Article IV Section E 7 nor Article IV Section E 9 of the Darien Subdivision Regulations and would need a wavier under Article VII Section A. of the Subdivision Regulations for the Commission to approve this project.
12. Commission members had a number of concerns with the proposal. Utmost were concerns related to safety. In particular, the Commission was concerned with the traffic from three additional residences coming onto Noroton Avenue, so close to Clock Avenue, Casement Street and Park Place.
13. All of the Commission members voting are not willing to waive Article IV Section E 7 and/or Article IV Section E 9 of the Subdivision Regulations for this application as presented.

NOW THEREFORE BE IT RESOLVED that since, as noted above, the proposed application does not comply with all of the applicable Subdivision Regulations, Resubdivision Application #164-A is hereby denied.

Mr. Bigelow then returned to the meeting, and Mr. Damanti read the next agenda item:

Special Permit Application #11-O, Ox Ridge Hunt Club, 512 Middlesex Road. Proposing to construct a 36' x 140' replacement for a portion of the existing northern stable and perform related site development activities. Subject property is located on the south and east sides of Middlesex Road, directly across from its intersection with Ox Ridge Lane, and is shown on Assessor's Map #6 as Lot #149, R-2 Zone.

Mr. Spain made a motion to waive the reading of the remaining draft resolutions aloud, as the Commission had received them on Friday and had opportunity to review them prior to the meeting. That motion was seconded by Mr. Kenny and unanimously approved. Mr. Bigelow then made a motion to adopt the resolution regarding the Ox Ridge Hunt Club. That motion was seconded by Ms. Forman and unanimously approved. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 15, 2005**

Application Number: Special Permit #11-O

Assessor's Map #6 Lot #149

Name and Address of Applicant and
Applicant's Representative:

Bruce Hill, Esq.
Law Office of Bruce Hill, LLC
PO Box 1103
Darien, CT 06820

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Name and Address of Property Owner: Ox Ridge Hunt Club, Inc.
512 Middlesex Road
Darien, CT 06820

Activity Being Applied For: Proposing to construct a 36' x 140' replacement for a portion of the existing northern stable and perform related site development activities.

Property Location: Subject property is located on the south and east side of Middlesex Road, directly across from its intersection with Ox Ridge Lane

Zone: R-2

Date of Public Hearing: October 25, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: October 13 & 20, 2005

Newspaper: Darien News-Review

Date of Action: November 15, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of
Action: November 23, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The Ox Ridge Hunt Club proposes to construct a 36' x 140' replacement for a portion of the existing northern stable and perform related site development activities. The Club recently discovered that portions of the existing stable barn were unsafe. That portion of the barn cannot be repaired, and needs to be replaced. A 34' x 140' part of the stable needs to be torn down and rebuilt. The proposed replacement will be 36 feet wide to make the aisle between

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the stables slightly roomier. The Club also proposes to expand the washroom on the interior of the courtyard (highlighted in blue on the submitted plan).

2. This proposal received approval from the Architectural Review Board (ARB) on October 18, 2005.
3. There are no plans to increase the membership or change the existing uses or activities on-site as part of this application. There will be no increase in the programming, the number of horses, activities, use of space, or membership at the Club.
4. The nature of the proposed use is such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
5. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
6. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Special Permit #11-O is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the following plans submitted to and reviewed by the Commission:
 - Ox Ridge Hunt Club/Darien, CT. Proposed Barn Rebuild, scale 1/16"=1'-0" / Sept.19, 2005 by Circle B Barn Co.
 - Portion of untitled, undated site plan, with colored highlighting, submitted at public hearing 10-25-2005.
- B. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes, but is not limited to, final approval from the Darien Health Department.
- C. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke this permit as it deems appropriate.
- D. This permit shall be subject to the provisions of Sections 815 and 829f of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (November 14, 2006). This may be extended as per Sections 815 and 829f.

All provisions and details of the plan as approved shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records to finalize this approval.

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Mr. Damanti read the next agenda item:

Special Permit Application #239, Pamela R. Evans, 369 Hoyt Street. Proposal to establish a clinical massage practice home occupation within a portion of the existing single-family residence. The property is located on the east side of Hoyt Street directly across from its intersection with Woodway Road, and is shown on Assessor's Map #8 as Lot #195 in the R-1/2 Zone.

Ms. Forman made a motion to adopt the draft resolution as written. That motion was seconded by Mr. Kenny and unanimously approved. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 15, 2005**

Application Number: Special Permit Application #239

Assessor's Map #8 Lot #195

Name and Address of Applicant: Ms. Pamela R. Evans
and Property Owner: 369 Hoyt Street
Darien, CT 06820

Activity Being Applied For: Proposal to establish a clinical massage practice home occupation within a portion of the existing single-family residence.

Property Location: The property is located on the east side of Hoyt Street directly across from its intersection with Woodway Road.

Zone: R-1/2

Date of Public Hearing: October 25, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: October 13 & 20, 2005

Newspaper: Darien News-Review

Date of Action: November 15, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of

Action: November 23, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

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- the proposed use and activities must comply with all provisions of Sections 405a and 1005 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

- A. The proposal is for the establishment of a clinical massage practice home occupation in the Evans residence at 369 Hoyt Street. Ms. Evans will have no employees coming to the site. This is in accordance with the limitation of Section 405 a 1 of the Darien Zoning Regulations.
- B. There are proposed to be no noticeable changes to the exterior of the residence or the surrounding grounds. This is in accordance with the requirements of Section 405 a 2.
- C. Mr. Evans confirmed within the submitted application materials that she will have a maximum of three clients per day. This is in full accordance with the limitations of Section 405 a 3.
- D. The area of the residence to be used as the for the home occupation is approximately 103 square feet, which is less than 10% of the area of the living space of the Evans residence. This is accordance with Sections 405 a 4 and 405 a 5.
- E. Very little additional traffic or need for on site parking will be generated by this specialized professional office use. There is sufficient on-site parking to accommodate the use of the property as a single family home and the limited in-home office use. There are no plans to modify the existing driveway, which is over 100 feet long, and has a turnaround/backing area. This is accordance with Section 405 a 6.
- F. The proposed office use conforms to all requirements and limitations of Section 405 a 1-11, inclusive.
- G. Only slight modifications of the interior of the building are needed to accommodate the proposed office use in this home. Ms. Evans will continue to work with the Fire Marshal to ensure that everything is in compliance with the Fire Safety Code.
- H. The home occupation use, as proposed, complies with the provisions of Section 1005 of the Regulations. In particular, the Commission finds that the use will not constitute a fire or safety hazard to the neighborhood and will not adversely affect neighboring property values and will not constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odor or other circumstance.

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- I. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

NOW THEREFORE BE IT RESOLVED that Special Permit # 239 is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

1. This Special Permit is to establish a clinical massage practice home occupation. The use will conform with all of the restrictions and provisions of Section 405a of the Regulations. The number of visits by clients associates and others shall be three or less every day. Minor interior alterations of the proposed office space shall be implemented in conformance with all Zoning and Building Permit requirements and in accordance with the requirements of the Fire Marshal. There shall be no changes to the exterior of the building or the residential character of the site.
2. Use of a portion of this residential property for business purposes is subject to continued compliance with all restrictions and provisions of Section 405a 1-11, inclusive. Before the use intensifies or is altered in any way contrary to the Regulations, it is appropriate that the business be relocated to an appropriate commercial zone.
3. This Special Permit is for the specific use as described in the application materials and as approved herein. Although the Special Permit is to be filed in the Darien Land Records and the Special Permit “runs with the land,” the only way that someone else could utilize this Special Permit is if their use of the site exactly matches what has been specifically proposed and approved herein.
4. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
5. This permit shall be subject to the provisions of Sections 1008 and 1009 of the Darien Zoning Regulations.

All provisions and details of the application and related materials shall be binding conditions of this action and such approval shall become final upon filing of a Special Permit in the Darien Land Records.

Coastal Site Plan Review #214, Flood Damage Prevention Application #230, Michael & Edith Sara McFadden, 8 Waverly Road. Proposing to construct additions and alterations to the existing single family residence, and to perform related site development activities within regulated areas. The subject property is located on the west side of Waverly Road, approximately 200 feet north of its intersection with Baywater Drive, and is shown on Assessor’s Map #55 as Lots #16 & 17 in the R-NBD Zone.

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Mr. Bigelow made a motion to adopt the draft resolution as written. That motion was seconded by Ms. Forman and unanimously approved. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 15, 2005**

Application Number: Coastal Site Plan Review #214
Flood Damage Prevention Application #230

Tax Assessor's Map #55 Lots #16 & #17

Name and Address of Property Owners: Michael & Edith Sara McFadden
8 Waverly Road
Darien, CT 06820

Name and Address of Applicant Neil Hauck, AIA
And Applicant's Representative: Neil Hauck Architects, LLC
859 Boston Post Road
Darien, CT 06820

Activity Being Applied For: Proposing to construct additions and alterations to the existing single family residence, and to perform related site development activities within regulated areas.

Property Location: The subject property is located on the west side of Waverly Road, approximately 200 feet north of its intersection with Baywater Drive.

Zone: R-NBD

Date of Public Hearing: October 25, 2005

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: October 13 & 20, 2005

Newspaper: Darien News-Review

Date of Action: November 15, 2005

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:
November 23, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 410-417 inclusive and 810 and 820 of the Darien Zoning Regulations for the Commission to approve this project.

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- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. This application is a Flood Damage Prevention application under Section 820 of the Darien Zoning Regulations to construct additions and alterations to the existing single family residence, and to perform related site development activities within regulated areas. The existing residence is in the center of the property. The existing lot is undersized, consisting of 15,674+/- square feet, rather than the 25,000 required within the R-NBD Zone.
2. The existing residence is at elevation 9.9 above sea level, and the expected flood elevation is 12. Thus, the first floor of a residence must be at elevation 13. The applicant proposes to demolish the existing garage and storage shed, lift up the existing residence to elevation 13.0 and move it to the south by about 20 feet, and reset the house at the proper elevation. They will then construct additions to the residence. The applicant proposes to leave the driveway in generally the same location.
3. The foundation will be designed to comply with the flood damage prevention regulations. During the public hearing on this matter, the applicant's representative confirmed that they will not be changing the topography of the property. The base of the crawl space will be set at grade. The runoff will be absorbed on site rather than directed towards the neighbors.
4. This property is not adjacent to tidal wetlands, and based upon the submitted proposal and the application materials which show the proposed activity more than 150 feet away from tidal wetlands, the Commission finds that there are no coastal impacts from this project, and hereby waives the requirement for Coastal Site Plan Review.
5. The applicant's representative noted within the application materials that the proposed activity will have no adverse impacts on flooding on adjacent properties and will withstand the flood depths, pressures, velocities, impact and uplift forces associated with the base flood. All mechanical and electrical equipment will be elevated to a minimum of elevation 12.0.
6. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

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NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #214 and Flood Damage Prevention Application #230 are hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the plans entitled:
- Alterations and Additions to the McFadden Residence, Site Plan, by Neil Hauck Architects, last revised 9/23/05, Sheet SP-1.
 - Alterations and Additions to the McFadden Residence, Proposed First Floor Plan, by Neil Hauck Architects, last revised 9/23/05, Sheet A-1.
 - Alterations and Additions to the McFadden Residence, Proposed Second Floor Plan, by Neil Hauck Architects, last revised 9/23/05, Sheet A-2.
 - Alterations and Additions to the McFadden Residence, Proposed Front Elevation, by Neil Hauck Architects, last revised 9/23/05, Sheet A-3.

The Commission recognizes that the proposal is to reuse much of the existing house. In some cases, it proves impractical or unfeasible to actually relocate the existing residence. If that should become apparent to the applicant in this instance, the Commission authorizes construction to proceed on an entirely new structure of the same size, location and design, because the proposed relocation and additions would comply with all setback, building coverage, height, and other applicable zoning regulations.

- B. Accompanying the Zoning and Building Permit applications and prior to commencing construction of the addition, a certification shall be submitted from a licensed architect and/or engineer that verifies that the final design complies with the applicable requirements.
- C. No filling or regrading of the site has been requested or shown on the submitted plans. No filling or regrading is authorized.
- D. During construction, the applicant shall utilize the sediment and erosion controls illustrated on the plans and any additional measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- E. Once the construction work is complete and prior to the issuance of a Certificate of Occupancy, the applicant shall submit verification from the project engineer that all aspects of the building construction have been completed in compliance with the approved plans and the flood damage prevention regulations.
- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive,

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incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.

- H. This permit shall be subject to the provisions of Section 829 f of the Darien Zoning Regulations, including but not limited to, submission of certification that the work has been completed in conformance with the permit, and implementation of the approved plan within one year of this action (November 14, 2006). This may be extended as per Section 829f.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Mr. Damanti then read the next agenda item:

Land Filling & Regrading Application #11-A, Jack Procaccini, 7 Silver Lakes Drive.

Proposing to fill and regrade within fifteen feet of the north property line and in other locations on the property and to perform related site development activities. The subject property is located on the west side of Silver Lakes Drive, approximately 550 feet north of its intersection with Tokeneke Road, and is shown on Assessor's Map #37 as Lot #5, in the R-1/2 Zone.

Mr. Bigelow mad a motion to adopt the draft resolution as written. That motion was seconded by Mr. Kenny and approved by a vote of 5-0. The adopted resolution read as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
November 15, 2005**

Application Number: Land Filling & Regrading Application #11-A

Street Address: 7 Silver Lakes Drive

Assessor's Map #37 Lot #5

Name and Address of	Jack & Erika Procaccini
Property Owner & Applicant:	285 Hoyt Street
	Darien, CT 06820

Activity Being Applied For: Proposing to regrade within fifteen feet of the north property line and in other locations on the property and to perform related site development activities.

Property Location: The subject property is located on the west side of Silver Lakes Drive, approximately 550 feet north of its intersection with Tokeneke Road.

Zone: R-1/2 Zone

Date of Public Hearing: October 25, 2005

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Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: October 13 & 20, 2005

Newspaper: Darien News-Review

Date of Action: November 15, 2005

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
November 23, 2005

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to excavate and regrade within fifteen feet of the north property line and in other locations on the property and to perform related site development activities. The requested regrading is in generally three areas: near the north property line to the north of the proposed retaining wall; in the front of the property for a new circular driveway; and on the south side of the property.
2. At the public hearing, neighbors to the north and to the south of the subject property presented their concerns with the application.
3. The submitted plans and drainage calculations were prepared by a Professional Engineer, who was present at the public hearing to answer questions and concerns from Commission members and the general public.
4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

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NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #11-A is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Filling and regrading shall be in accordance with the following plan submitted to and reviewed by the Commission:
 - Site Development Plan of Proposed Home Reconstruction for Jack Procaccini, 7 Silver Lakes Drive, scale 1"=20', by Peck & Coleman, Assoc., dated June 8, 2005 and last revised 10-22-05.
- B. During the public hearing, the applicant represented that a curb will be placed along the driveway near the south property line near the garage to minimize the amount of water flowing onto the adjacent property. That curb, which shall be a minimum of three inches high, shall be installed prior to the issuance of a Certificate of Occupancy for the residence. If the applicant's engineer determines that the curb needs to be higher than three inches, a higher curb shall be installed by the applicant.
- C. The applicant also noted that at least five evergreen trees (not hemlocks) of at least six feet in height will be planted along the north/northwest part of the property in the vicinity of the regrading within fifteen feet of the property boundary. The Commission also requires that those plantings be installed prior to a Certificate of Occupancy for the residence.
- D. A professional engineer shall certify that the proposed filling and regrading has been achieved per the plans and that the drainage facilities have been installed correctly prior to the use of the structure and/or the issuance of a Certificate of Occupancy for the residence.
- E. The applicant has assured the Commission that if the drainage does not function properly, that the applicant/property owner will make any necessary changes or adjustments. The property owner of the subject property shall have the continuing obligation to cause the drainage on and from the premises to perform as stated within this resolution. All drainage facilities to be installed shall be maintained by the property owner.
- F. Due to the minor nature of the project, the Planning and Zoning Commission will not require a Performance Bond.
- G. Sediment and erosion controls shall be installed to properly manage storm water runoff and to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- H. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.

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- I. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agencies. This includes, but is not limited to, a street opening permit for the circular driveway from the Darien Public Works Department.
- J. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan within one (1) year of this action (November 14, 2006). This may be extended as per Sections 858 and 1009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form shall be filed in the Darien Land Records within 60 days of this action, or this approval shall become null and void.

Approval of Minutes

October 25, 2005 Public Hearing/General Meeting

Ms. Forman made a motion to approve the meeting minutes as written. That motion was seconded by Mr. Bigelow and approved by a vote of 5-0.

Any Other Business (requires two-thirds vote of Commission)

At approximately 9:10 P.M., the Commission unanimously voted to go into other business to discuss two matters: the Aquarion Water Company water tower on Tower Drive, and modifications to the plans for Charron at 44 Contentment Island Road.

Aquarion Water Company water tower on Tower Drive

Kris Lavecchia's October 31st e-mail was discussed. Mr. Ginsberg updated the Commission on the recent activities by the Aquarion Water Company to hire an independent structural engineer, and stop all work on-site until they determined that it is safe. Mr. Damanti said that the Commission needs to be assured that it is safe, and he would like to hear directly from the property owner and the tenants (lessees). He also wanted to review the Aquarion Water Company's structural engineer's report and hear from the other structural engineers as well. The telecommunications companies may need to hire someone at their own expense to confirm that work was properly done.

Mr. Kenny asked Commission members whether the Commission should consider revoking the existing Special Permit for the telecommunications antennas. Mr. Damanti noted that the structural engineering had been called into question and the Commission needs certification from a structural engineer that the work was properly installed. Mr. Bigelow wondered whether the water tower was able to handle the load, and whether the installation was done properly.

Mr. Kenny asked about the maintenance/inspection procedures for the panels and other accessories. He believed that all of the tenants and the landlord should be notified that the Planning and Zoning Commission wants certain information. Commission members agreed that they are looking for what was the problem; and in the interim, did Aquarion Water Company confirm that everything was properly installed? They asked Mr. Ginsberg to contact the telecommunication companies and

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the water company and have them attend a special meeting of the Commission on November 28th at 8:00 P.M.

Charron, 44 Contentment Island Road

Architect Dan Conlon was present to discuss the proposed modifications to the approved plan. He explained that the proposed enclosed outdoor shower is 20 square feet, and there are changes to the chimney. Mr. Damanti and Commission members agreed that these minor modifications would not have any coastal impacts. The modifications were unanimously approved by the Commission.

Discussion of SWRPA 2005-2015 Regional Plan of Conservation & Development and any Commission comments to be sent to SWRPA.

Mr. Kenny said that the term “affordable housing” is a term defined in the Connecticut General Statutes. SWRPA should be clear in the use of the term/phrase. There may be a need to clarify their use of the term, and they may wish to use different terminology or better define the phrase. Commission members instructed Mr. Ginsberg to send or fax a letter to SWRPA with the Commission’s comments. Mr. Kenny said that the SWRPA public hearing is on November 16th.

2005 Town Plan of Conservation & Development

Discussion of entire draft of 2005 Plan of Conservation & Development.

Mr. Ginsberg explained that there is some minor work to be done on the Plan prior to sending it to the printer. He noted that once it goes to the printer, the document will also be sent to the Town of Darien web site. Public Hearings will be scheduled for early 2006 in accordance with the State Statutes.

There being no other business, the meeting was adjourned at 9:45 P.M.

Respectfully submitted,

Jeremy B. Ginsberg
Planning & Zoning Director